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8 Simon Yuan

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 SIMON YUAN,

16 Defendant.

Case No. CR 07 00338 JF

DECLARATION OF WILLIAM LOCK

17
18
19 I, William Lock, hereby make the following Declaration under penalty of perjury under the
20 laws of the State of California and the United States. I declare that the facts stated herein are true,
21 correct and within my own personal knowledge. If called as a witness and sworn I could and would
22 testify to the following:

23 1. I am a waiter at Hunan Garden Restaurant. I began working as a waiter at Hunan
24 Garden Restaurant in June 2004. Prior to working at Hunan Garden, I stayed home as a full-time
25 father.

26 2. There are four full-time waiters at Hunan. There are two full-time busboys and one
27 part-time bus boy. Approximately eight people work in the kitchen.

28 3. I have personally observed that Simon Yuan works at Hunan Garden Restaurant

1 seven (7) days each week. Simon does not work at Hunan Garden on Saturday morning, Sunday
2 morning and occasional on one (1) week night each week, if the restaurant is not busy.

3 4. Prior to 2005, Simon primarily worked as a waiter and greeted the restaurant's
4 customers. Beginning in 2005, Simon's functions at the restaurant have changed slightly. Simon
5 has spent more time working in the kitchen. Simon frequently cooks when the chef is unable to
6 come to work.

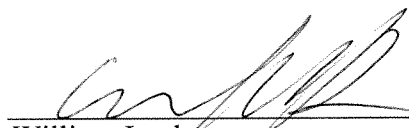
7 5. I have observed that it is very difficult for Hunan Garden Restaurant to hire people in
8 the kitchen, because other restaurants pay their kitchen employees one half or a third in cash. Today,
9 Hunan Garden Restaurant does not pay its kitchen workers in cash. I am aware that prior to June
10 2005, Hunan Garden Restaurant paid some compensation to the kitchen employees in cash on pay
11 day, which is on the 2nd and 17th of each month.

12 6. Simon makes Hunan Garden Restaurant function. If Simon was not at the restaurant
13 on a daily basis, I believe that the business will drop at the restaurant, and that Hunan Garden will
14 eventually go out of business.

15 9. I have spent time with Simon's family. Simon is a good father. Simon has a soft
16 heart, and he always takes care of other people first.

17 Under penalties of perjury, I declare that the above information, to the best of my knowledge
18 and belief is true, correct and complete.

19
20
21 Dated: January 2, 2008


William Lock